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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/782,304  | 02/19/2004  | Kenichi Tezuka       | 42530-6600          | 4285             |
| 21611   | 7590        | 11/30/2006           | EXAMINER            |                  |
| SNELL & WILMER LLP<br>600 ANTON BOULEVARD<br>SUITE 1400<br>COSTA MESA, CA 92626 |             |                      | BUTLER, MICHAEL E   |                  |
|   |             |                      | ART UNIT            | PAPER NUMBER     |
|   |             |                      | 3653                |                  |

DATE MAILED: 11/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                        |                     |  |
|------------------------------|------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                              | 10/782,304             | TEZUKA              |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                              | Michael Butler         | 3653                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 08 September 2006.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-9 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_.
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office Action, and apply to this and any subsequent Office Actions.

### ***Priority***

1. Applicant's claim of priority to application 2003-042470 filed 2/20/2003 in Japan. The priority document has been received.

### ***Drawings***

2. The drawings are acceptable.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claim(s) 1-9 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Takemoto et al. '110 (5366110) in view of Takemoto et al. '362 (5429362 wherein Takemoto et al. '110 discloses:

(Re: cl 1,4, 7) A token dispensing apparatus comprising: a token dispensing unit including a storage member for storing tokens (c3 L 47-58); a token selector unit for releasing a token from the storage member based on a user request (c4 L 5-19); a second sensor unit for sensing a container at the position to receive a released token (c4 L 5-19);

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a control unit for receiving an output from the first sensor unit and comparing it with a predetermined value representative of a desired capacity of the container to hold tokens and receiving an output from the second sensor unit to determine the existence of a container at the position to receive a released token to enable the token selector unit to release tokens, the control unit stops the dispensing of the tokens when a predetermined value representative of the desired capacity is reached and compares the predetermined value with the total number of tokens requested, when the total number tokens are greater than the predetermined value and the second sensor unit indicates the initial container is removed from the position to received released tokens, (c4 L 5-19); and the second sensor unit senses the second container, the control unit activates the token selector unit to continue to release tokens under the monitoring of the control unit (c4 L 5-19)  
(Re: cl 2, 7) further including operator control unit for inputting an amount of tokens to be dispensed and a displaying unit for displaying the status of tokens in the container dispensed (c 3 L 1-12)

(Re: cl 3, 8)(2) further including a coin receiving unit and a banknote receiving unit for inputting monetary value in return for the amount of tokens to be dispensed (c 3 L 1-12)

(Re: cl 4, 7) A token dispensing device comprising:

an amount detecting unit which detects the amount of stored tokens in the container; an overflow preventing unit which outputs a removing signal for removing the container which is located at the dispensing section and a stopping signal for the dispensing unit, when the amount detecting unit detects a predetermined amount of tokens in the container (c4 L 20-46) ;

a container detecting unit which detects the container located at the dispensing section (c4 L 5-19) ;

and a remaining amount dispensing unit which enables the token dispensing unit and the container dispensing unit based on a no-container signal from the container detecting unit (c4 L 5-19)

(Re: cl 5) further includes a displaying unit for providing indicia (14 fig 2), indicating removal of the container based on the removing signal (c4 L 5-19)

(Re: cl 6) where the amount detecting unit is a counter which counts tokens dispensed from the token dispensing unit (c4 L 20-46).

(Re: cl 9) including a means for monitoring a predetermined time period in which a container is at the dispensing section after a removing container signal is displayed and displays an error signal when the predetermined time period is exceeded (c4 L 46-c5 L 6, sensing for a non-smooth supply flow to alert the attendant).

Takemoto et al. '362 discloses any elements not inherently taught by Takemoto et al '110

including:

a container detecting unit which detects the container located at the dispensing section ( C L 12-25) ;

container dispensing unit which dispenses a container for receiving tokens to a dispensing section based on a dispensing signal a token dispensing unit which dispenses the tokens

to the container located at the dispensing section, a container dispensing unit for dispensing a container to receive the tokens including a container storage unit and a container separating unit for releasing a container from the storage member to a position to receive a released token; a first sensor unit for sensing the number of tokens released, the control unit automatically activates the container separating unit to release a second container (c2 L 28-40) .

It would have been obvious at the time of the invention for one of ordinary skill in the art to add the teachings of Takemoto et al. '362 to Takemoto et al. '110 to give new customers their own token dispenser which they may lack prior to electing to dispense and come up with the instant invention. It would have been obvious at the time of the invention for one of ordinary skill in the art to add the teachings of Takemoto et al. '362 to Takemoto et al. '110 to detect whether the coin receiving container is present to avoid spilling tokens and come up with the instant invention.

***Response to Amendments/Arguments***

8. Applicant's arguments were effective in overcoming the previous rejection.

***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Exmr. Michael E. Butler whose telephone number is (571) 272-6937.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Mackey, can be reached on (571) 272-6916. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MAB  
11/26/04



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